

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 04-9003

JACK FOSTER OUTTEN

v.

RICK KEARNEY, Warden, Sussex Correctional Institute;
ATTORNEY GENERAL OF THE STATE OF DELAWARE

Jack F. Outten,
Appellant

Appeal from the United States District Court
for the District of Delaware
(D.C. Civil Action No. 98-cv-00785)
District Judge: Honorable Sue L. Robinson

Argued July 27, 2006

Before: RENDELL, AMBRO and FUENTES, Circuit Judges

AMENDED JUDGMENT

This cause came on to be heard on the record before the United States District Court for the District of Delaware and was argued on July 27, 2006.

On consideration whereof, IT IS ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered April 1, 2004, be, and the same is, hereby reversed and remanded. On or before November 1, 2007, the State of Delaware may conduct a new sentencing hearing or sentence Outten to life imprisonment.

All of the above in accordance with the opinion of this Court.

ATTEST:

/s/ Marcia M. Waldron

Clerk

Dated: January 24, 2007

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of a formal mandate on _____

Teste: *Marcia M. Waldron*

Clerk, U.S. Court of Appeals for the Third Circuit